

**STATE OF LOUISIANA  
DEPARTMENT OF CIVIL SERVICE  
BATON ROUGE, LA.**

June 16, 2009

This public document was published at a total cost of \$16.81. 33 copies of this public document were published in this 1<sup>st</sup> printing at a cost of \$0.51. The total cost of all printings of this document including reprints is \$16.81. This document was published by the Department of State Civil Service to keep agencies, employees, and other persons informed about the personnel program under authority of Article X of the Louisiana Constitution. This material was printed in accordance with standards for printing by State Agencies established pursuant to R.S. 43:31.

**STATE PERSONNEL MANUAL  
TRANSMITTAL SHEET  
NO. 458**

**To:** HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS  
**Subject:** Amendments to Rules 6.4(b), 6.10, 9.1(a)3, 11.9(b)3, 12.6(b), 23.5(a), 23.6(c), 23.12(b), and 24.2(a)6  
**Issue Date:** June 16, 2009

At its regular business meeting on June 3, 2009, the Civil Service Commission approved amendments to Rules 6.4(b), 6.10, 9.1(a)3, 11.9(b)3, 12.6(b), 23.5(a), 23.6(c), 23.12(b), and 24.2(a)6 with an effective date of June 3, 2009. Explanations for these changes appear in General Circular No. 1761 and General Circular No. 1767.

If you have any questions, please call your Assistance Coordinator at 225-342-8274.

Please make the following changes in your Civil Service Rules:

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Sincerely,

s/Shannon S. Templet  
Director

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## CHAPTER 6 PAY PLAN

### 6.1 Philosophy.

The pay rates for the State's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employee performance and level of funding available. The State will not be a market leader, but, for the most part, will follow the market as the value of jobs change.

### 6.2 Preparation of Pay Plan.

- (a) The Director, after consultation with appointing authorities and the state fiscal officer and after conducting such research as he may deem appropriate, shall cause to be prepared for submission to the Commission, a uniform pay plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state depending upon availability of applicants and other factors impacting compensation.
- (b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

### 6.3 Adoption of Pay Plan.

- (a) Any Pay Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.
- (b) The Civil Service Commission, upon adoption of a Pay Plan, shall specify the manner in which the Pay Plan is to be implemented.
- (c) A Pay Plan may include but not necessarily be limited to an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.
- (d) A Pay Plan or amendment thereto, when adopted by the Commission after public hearing shall become effective only after approval in its entirety by the Governor.

6.3.1 Other Compensation.

An appointing authority desiring to provide compensation not specifically covered either by Chapter 6 of these Rules or by the classification and pay plan shall obtain approval from the Commission of a plan for providing such compensation, and shall obtain certification in accordance with Rule 6.13(a) prior to providing such compensation. The alteration of any such plan shall not be made without the prior approval of the Commission.

6.4 Rates of Pay in the Pay Plan Plus Base Supplement

- (a) The pay range for each job shall consist of a range minimum and maximum. \*\*\*
- (b) Subject to the provisions of Rules 6.11, 6.15, and 6.16 each employee shall be paid at a rate within the range for the grade to which his position is allocated, or at a rate within the base supplement approved for his position in accordance with the provisions of Rule 6.16(f).

6.5 Hiring Rate.

Pay upon employment shall be at the minimum of the range established for the grade of the job to which the position is allocated except:

- (a) The pay of a probational, job, or provisional appointee shall not be reduced when the employee has served longer than 6 months, is earning more than the minimum for the job he occupies, and is then probationally appointed to a position in the same job, or a different job with the same maximum rate of pay, in the same department without a break in service.
- (b) Special Entrance Rates.

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range, or within the range plus base supplement authorized for the position, for the job in a limited geographical area or for positions in a job where employment conditions are unusual.

1. The department or departments to which the special rate is made applicable having employees in the same job in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance rate or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applies to any salary up to but not to exceed the amount of the percent difference between the special rate and the current hiring rate.

**6.10 Rate of Pay Upon Demotion**

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Subject to the provisions of Civil Service Rule 6.15 and 5.6.1(e) and (f), when an employee is demoted for any reason under any circumstances, his pay shall be reduced as follows:

- (a) If the demotion is to a job within the same schedule or to a job in another schedule with a lower maximum his pay shall be reduced by a minimum of 7% and may be set at a lower rate in the range provided that it is no less than the minimum.
- (b) Repealed, effective September 9, 2003.
- (c) Repealed, effective September 9, 2003.
- (a) Subject to the provisions of Rule 6.29, an appointing authority may grant exceptions to this rule for voluntary demotions. Exceptions shall not be granted by the appointing authority in an arbitrary or fraudulent manner designed to increase an employee's rate of pay. An appointing authority may, as part of a formal written policy, waive a pay increase on promotion for an employee who has been demoted without a decrease in pay within a six-month period.

**6.11 Rate of Pay on Detail to Special Duty.**

When an employee is detailed to special duty, his pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, his pay shall be increased to the rate he could receive upon promotion to such position, provided:

- (a) Any such temporary increase granted him shall not affect his eligibility for pay increases which he would have acquired in his regular position had he not been detailed.
- (b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his regular position.

**6.12 Compensation for Part-Time Services.**

- (a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.
- (b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.

20.26.1 (6.12 Compensation for Part-Time Services - Continued)

- (c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

6.12.1 Compensation for Holidays.

Employees shall be eligible for compensation on holidays observed except:

- (a) When the employee's regular work schedule averages less than 20 hours a week;
- (b) When the employee is on restricted appointment;
- (c) When the employee is on leave without pay immediately preceding and following the holiday period;
- (d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment.

- (a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.
- (b) If payments to an employee are found to have been made in violation of the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, the Director may take any corrective action he deems appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescinding of any actions and associated compensation, or restitution to the employee.

6.14 Merit Increases.

- (a) When a new employee has been continuously employed, without a break in service of one or more working days for a period of six months, he becomes eligible for and may be granted a merit increase provided that the appointing authority has determined his performance merits such an award.
- (b) At the end of each subsequent 12 month period of such continuous employment, he may be granted an additional merit increase if the appointing authority has determined that his performance merits such an award. This date of eligibility shall be known as an anniversary date and shall not change through such continuous employment within the classified service.
- (c) The amount of each merit increase shall be 4 percent of the employee's individual pay rate.

## CHAPTER 9 PROBATIONARY PERIOD

### 9.1 Probationary Period.

- (a) Probationary periods of no less than six months or more than twenty-four months shall be served by employees following appointments to:
  - 1. Permanent positions following certification from an open competitive eligible list except as provided in Rule 9.1(h).
  - 2. Original appointments to permanent positions under the provisions of Rule 23.3(a).
  - \*\*\*
  - 3. Non-competitive re-employments based on prior service, except as provided in Rules 17.23(a) and 9.3.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

- (b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not be required to serve a probationary period in the new position.
- (c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than six months or more than twenty-four months in such new position.
- (d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall be eligible for permanent status in the new position between the sixth and twenty-fourth month of the probationary period which began prior to the change in position(s).
- (e) A probationary employee may be separated by the appointing authority at any time.
- (f) A former employee who is appointed from a department preferred reemployment list is not required to serve a probationary period in the new position.
- (g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

20.50 (Rule 9.1 – Probationary Period – continued)

- (h) An employee who has served at least 24 months in a job appointment with no break in service may be appointed to the same position, or a position in the same job title, in the same agency without serving a probationary period.

9.2 Permanent Appointment Action Following Probationary Period.

- (a) Permanent appointment of a probationary employee shall begin upon certification by the appointing authority that the employee has met the required standard of work during the probationary period.
- (b) A permanent appointment must be reported to the Director in the manner he prescribes.
- (c) The appointing authority shall separate employees who have not been certified as permanent at the end of the twenty-four month probationary period in accordance with the provisions of Rule 9.1(e).

9.3 Interruption of Probationary Period for Military Purposes.

A probationary employee who is absent for military training or military active duty in excess of thirty consecutive calendar days, shall be returned to duty in the probationary status at the point he reached in the probationary period before leaving. Absences of thirty consecutive calendar days or less shall be counted as part of the probationary period.

9.4 Repealed.

9.5 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in State service.



**11.7 Use of Annual Leave.**

- (a) Annual leave must be applied for by the employee and may be used only when approved by the appointing authority or his designated representative.
- (b) Annual leave shall not be charged for non-work days.
- (c) Each appointing authority shall select a method to charge the annual leave records of all employees. The minimum charge to annual leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.
- (d) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.

**11.8 Repealed, effective December 17, 1957.****11.9 Enforced Annual Leave.**

- (a) Subject to subsection (b) hereof, and military leave provisions in Rule 11.26, an appointing authority may require an employee to take annual leave whenever in his administrative judgment such action would be in the best interest of the Department.
- (b) No employee shall be required to reduce his accrued annual leave to less than 240 hours except;
  - (1) prior to being granted leave without pay, but subject to the right granted the employee by the military leave provisions of these rules; or,
  - (2) where it is determined that the need to be absent from work is because of a condition covered by the United States Family and Medical Leave Act.
  - \*\*\* (3) if the leave is required during closures in accordance with Rule 17.10 as a layoff avoidance measure.

**11.10 Payment for Annual Leave Upon Separation.**

- (a) Subject to Rule 11.18(a) and sub-section (b) of this rule, each employee upon separation from the classified service shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour; provided, that the privileges of this rule shall not extend to any employee who is dismissed for theft of agency funds or property. The payment for such leave shall be computed as follows:
  1. When an employee is paid wages on an hourly basis, multiply his regular hourly rate by the number of hours of accrued annual leave.
  2. When an employee is paid on other than an hourly basis, determine his hourly rate by converting his salary in accordance with provisions in the uniform pay plan for conversion to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.

20.58 (11.10 Payment for Annual Leave Upon Separation – continued)

(b) No terminal payment for annual leave earned under these Rules shall exceed the value of 300 hours, computed on the basis of the employee's hourly rate of pay (includes base supplement) at the time of his separation. The hourly rate of pay for employees who are on detail shall not include the employee's pay in the detail position.

(c) No payment for annual leave under this Rule shall operate to continue the payee as a classified employee beyond the last day of active duty.

(d) Payment for annual leave earned under administrative rules or regulations in effect prior to July 1, 1953 may be made upon separation in accord with such rules or regulations.

(e) When an employee who has been paid under this Rule for accumulated annual leave is reemployed in a classified position, he shall pay the Department which reemploys him the value of such annual leave at the rate paid him less the value of working hours for which he has been paid which intervene between the last day worked and the date of reemployment and shall be given credit for the number of hours of annual leave for which he has made reimbursement, except when:

1. an employee returns to work for the first time after retirement or
2. an employee is rehired into a job appointment or non-leave earning position, he/she shall not be required to make reimbursement.

(f) Repealed and reenacted as Sub-section (d)6 of Rule 11.5, effective July 1, 1973.

(g) Repealed, effective June 8, 1983.

**11.10.1 Payment for Sick Leave When Employee Is Non-disciplinarily Removed under Rule 12.6(a)1**

When an employee is removed in accordance with Rule 12.6 (a)1, he shall be paid the value of his accrued sick leave in a lump sum, based on his regular hourly rate of pay, unless he is reemployed in probational or permanent status in the classified state service or is reemployed in the unclassified service, without a break in service of one or more working days, in which cases the sick leave will transfer to the employing agency.

**11.11 Repealed, effective December 17, 1957.**

**11.12 Repealed, effective December 17, 1957.**

**11.13 Use of Sick Leave.**

(a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:

1. Illness or injury which prevents him from performing his usual duties.
2. Medical, dental, or optical consultation or treatment.

## CHAPTER 12 – DISCIPLINE; CORRECTIVE ACTIONS; SEPARATIONS

## 12.1 Authority to Discipline, Remove, and Separate.

An appointing authority may discipline, remove, or separate an employee under his or her jurisdiction.

## 12.2 Separation of Non-Permanent Employees; Cause Required to Discipline or Remove Permanent Employees.

- (a) An appointing authority may separate a non-permanent employee at any time.
- (b) An appointing authority may discipline or remove a permanent employee for cause.

## 12.3 Discipline; Restrictions.

- (a) Discipline includes only: suspension without pay, reduction in pay, involuntary demotion, and dismissal.
- (b) A suspension without pay cannot exceed 176 work hours except under Rule 12.5 or as ordered or agreed to under Chapter 13 or Chapter 16.
- (c) A reduction in pay cannot reduce an employee's pay below minimum wage or below the pay range minimum.

## 12.4 Emergency Suspensions. [Repealed 7/9/08]

## 12.5.1 Suspension Pending Criminal Proceedings.

- (a) With prior Commission approval, an appointing authority may suspend a permanent employee, without pay, pending criminal proceedings when an indictment or bill of information has been filed against the employee for conduct that, if proved, would be cause for dismissal and the appointing authority cannot obtain sufficient information to initiate dismissal proceedings.
- (b) An appointing authority's request for approval of a suspension under this rule must explain why the conduct would be cause for dismissal, why the employee cannot be allowed to work in any capacity, and why sufficient information to initiate dismissal proceedings cannot be obtained. The request must also include documentation that an indictment or bill of information has been filed.
- (c) Before approving a suspension under this rule, the Commission must furnish the employee a copy of the appointing authority's request and a reasonable opportunity to respond.

- (d) A permanent employee suspended under this rule must be given written notice before the time the suspension begins. This notice must comply with Rule 12.8 to the extent possible.

#### 12.6 Non-disciplinary Removals.

- (a) An employee may be non-disciplinarily removed under the following circumstances:

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.
2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.
3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.
4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided the opportunity to do so, the employee has refused to resign from one of the positions.
5. When there is cause for dismissal, but the cause is not the employee's fault.

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- (b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.23(e)4 shall not apply.

## **CHAPTER 23 APPOINTMENTS**

### **23.1 Appointments**

Appointments shall be made under a general system based on merit, efficiency, fitness and length of service as ascertained by examination which, so far as practical, shall be competitive.

### **23.2 Appointment from a Certificate of Eligibles**

Probational appointments, job appointments and promotions shall be made from certificates of eligibles created in accordance with Rule 22.9 except as provided elsewhere in these rules.

### **23.3 Probational Appointment**

- (a) Probational appointments may be made without the use of a certificate:
  - 1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
  - 2. For out-of-state vacancies under Rule 22.8(b).
  - 3. Of applicants with 3.5 GPA under Rule 22.8(c).
  - 4. By reemploying a former employee under Rule 23.13.
- (b) When a vacancy is filled by probational appointment, such appointment shall be for a probationary period in accordance with Chapter 9 of these Rules.

### **23.4 Promotion**

- (a) Promotions may be made without the use of a certificate:
  - 1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).
  - 2. For out-of-state vacancies under Rule 22.8 (b).
  - 3. Of permanent classified employees to positions to which they would have reemployment eligibility under Rule 23.13 if they were to resign.
- (b) Promotions shall only be made of employees serving with permanent status in the classified service.
- (c) No employee who has a current official overall Performance Planning and Review rating of "Poor" or "Needs Improvement" shall be promoted.

### 23.5 Job Appointment

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- (a) An appointing authority may use a job appointment to fill a position for a period not to exceed three years. For rational business reasons, an appointing authority may request a longer term job appointment. The Commission may approve such requests or delegate approval authority to the Director. An appointing authority may terminate a job appointment at any time. This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions
- (b) Job appointments may be made without the use of a certificate:
  - 1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8.
  - 2. For an out-of-state vacancy under Rule 22.8(b).
  - 3. Of applicants with 3.5 GPA under Rule 22.8(c).
  - 4. By reemploying a former employee under Rule 23.13.
- (c) The Director may issue policy standards for the use of job appointments.
- (d) The Commission or Director may, at any time, cancel a job appointment and/or withdraw an agency's authority to make such appointments.

### 23.6 Restricted Appointment

- (a) A restricted appointment is a temporary appointment to be used for work of a temporary nature, to substitute for another employee, pending filling the position in a regular manner, or to address an emergency or work overload situation. An agency shall maintain written justification stating the reason for the restricted appointment. No restricted appointee shall work more than six months in a calendar year. The appointing authority or the Director may terminate the restricted appointment at any time.
- (b) Restricted appointees must meet the Minimum Qualifications for the job.
- (c) This rule is subject to Rules 17.20(b)4 and 17.25 concerning layoff related actions.

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### 23.7 Temporary Staffing Services Employee

- (a) When work is required to be performed on a temporary basis and the work is essential to the efficiency of the agency, a temporary staffing services employee may be used, provided:
  - 1. Approval has been received from the appointing authority; and
  - 2. The employee shall be used only for the following: a) to replace an employee on leave, b) to fill a vacancy pending filling the position in a regular manner, or c) to address an emergency or work overload situation of short duration.

3. The employment of any one individual in this category shall not exceed 680 work hours in a twelve-month period.
  4. The appointing authority shall maintain a tracking document of usage of individuals in this category which is certified by the appointing authority to prevent violation of this rule. Such document shall be readily available for Civil Service audit as requested.
- (b) Individual temporary staffing services employees may be used for any length of time up to 680 work hours in a twelve-month period; however, the Director or appointing authority may limit the duration of or cancel the use of a temporary staffing services employee at any time.
  - (c) An extension over 680 work hours in a twelve-month period for an individual temporary staffing services employee shall not be allowed. If the appointing authority determines that a situation exists that requires the use of temporary staffing services employees beyond the 680 work hour limit within a twelve-month period, other replacement individuals may be solicited from the temporary staffing services firm(s) on state contract.
  - (d) The Director may withdraw an agency's authority to make use of temporary staffing services employees. Willful abuse or misuse of temporary staffing services may subject offenders to financial liabilities as provided in Rule 2.9

### **23.8 Transfer of Individual Employees**

An employee may be voluntarily transferred from any position in the classified service in one department to any position in the classified service for which he is qualified in another department upon the recommendation of the appointing authority of the receiving department, provided the employee meets the Minimum Qualifications of the job to which he is transferring and has met Civil Service requirements for public announcement of vacancies, testing and competition.

### **23.9 Temporary Inter-Departmental Assignment**

- (a) Upon agreement between departments, a permanent employee may be assigned to a classified position in another department for a period not to exceed one year, provided the employee meets the Minimum Qualifications of the job to which he is being assigned.
- (b) An employee so assigned shall continue to be an employee of the department from which he is assigned and shall have a right to return to his position at the conclusion of the assignment.

- (c) Either participating department may end the inter-departmental assignment of an employee at any time. The Director may end such assignment if he determines that it violates the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plan, or the policies and procedures issued by the Director.
- (d) Notwithstanding any other provisions of these Rules, a temporary inter-departmental assignment may not be continued beyond one year without the Director's approval.

### **23.10 Reassignment and Position Change**

- (a) An appointing authority may reassign any probationary or permanent employee to a position with a different job title that has the same maximum rate of pay, provided the employee meets the Minimum Qualifications of the job to which he is being assigned and has met Civil Service requirements for testing and competition.
- (b) An appointing authority may position change any probationary or permanent employee to a different position number with the same job title.

### **23.11 Change in Duty Station**

An appointing authority may change the duty station of a permanent employee from one geographical area to another. An appointing authority may change the duty station of a probationary employee from one geographical area to another in accordance with guidelines specified by the Director to ensure observance of appropriate competition requirements.

### **23.12 Detail to Special Duty**

- (a) An appointing authority may assign an employee to a different position in the same department for up to one month without changing the employee's classification or pay. After one month, the appointing authority shall detail or otherwise place the employee in the position in accordance with Civil Service Rules or return the employee to his or her regular position. Upon detail, pay shall be fixed in accordance with Civil Service Rule 6.11.

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- (b) No detail shall exceed one year without the Director's prior approval. Written justification for all details for more than one month shall be kept by the agency. Justification shall be submitted with all details requiring the Director's approval. This rule is subject to Rules 17.20(b) 4 and 17.25 concerning layoff related details.
- (c) The Director may issue policy standards for use of details to special duty.
- (d) An appointing authority may end a detail at any time.
- (e) The Director may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to detail employees for longer than one month.



## **CHAPTER 24**

### **Transfer of Governmental Functions and Acquisitions**

#### **24.1 Transfer of Governmental Functions**

When any or all of the functions of a state department are transferred to another state department, or when one state department is replaced by one or more other state departments, all positions and incumbents assigned the functions transferred or replaced shall be transferred to the receiving department. The allocation and individual pay rate of employees who transfer shall not change. Following this transfer, if the receiving department determines that any or all of the aforementioned positions should require an allocation change or abolishment, affected employees may be subject to layoff in accordance with Chapter 17 of these rules.

#### **24.2 Status of Non-classified Employees Whose Positions are Declared to be in the State Classified Service or are Acquired by a State Agency.**

- (a) When a nongovernmental private organization or position, which is not subject to Article X is acquired by a State department as a result of a legislative act, constitutional amendment, judicial decree, or an executive order, or a government organization or position, which has been created by an executive order of the Governor, legislation, constitutional amendment, or a local authority, is declared to be in the State classified service by judicial decree or by order of the Commission or Director, an employee encumbering an affected position shall be appointed in the State classified service under this Rule if:
1. His/her position is retained by the State agency, and the appointing authority of the agency certifies in writing to the Director that the retention is necessary for the continued efficient functioning of the acquiring agency, and such position falls within the State classified service;
  2. He/she is eligible for employment in the classified service;
  3. He/she is either employed in the position or is an employee of the acquired organization and has at least one year of continuous service as of the effective date of the transfer of the position or of the acquired agency to the State classified service provided that such effective date shall be the same effective date of the legislation, constitutional amendment, judicial decree, or commission order that initiated the action to classify the position, and in the absence of these directives, as of the date of the Director's order;
  4. He/she possesses the minimum requirements established for the class to which his/her position has been allocated, on the date of the notification to the agency of the original allocation of his/her position for probationary appointment;

24.2

5. He/she attains a passing score on the appropriate test, within 180 days of the date of notification of the original allocation of his/her position for probationary appointment. After notifying the Commission, the Director may waive the passing of a written test provided:
  - a. Either an appropriate test is not available or a review of the hiring and personnel practices of the entity indicates testing would be impractical and/or unnecessary; or
  - b. A review of the person's application and personnel record reveals that he/she has successfully performed the duties of the same position for two years; or
  - c. The appointing authority certifies that his/her performance has been satisfactory.

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6. Subject to Rule 17.3 and 17.15(e), when an agency acquires employees under this Rule and a layoff results, it shall neither exempt the acquired employees from a layoff, nor shall the acquisition of these employees prevent the appointment of classified employees from a Department Preferred Reemployment List.
- (b) An employee who enters the State classified service in accordance with this Rule and who is employed as a classified employee of a governmental jurisdiction subject to a civil service article, statute or ordinance shall be appointed to the State classified service with the same appointment status attained in the former service and such employee shall be exempt from the requirements in 24.2 (a) 3, (a) 4 and (a) 5. All other employees who enter the State classified service in accordance with this Rule shall be probationally appointed.
  - (c) An employee who enters the state classified service in accordance with this Rule, and who is employed with an organization that is being acquired in its entirety for the first time in the classified service, may be exempted from the requirements in (a) 3, (a) 4, and (a) 5 by order of the Director, provided the employee occupies the same position with the acquired organization.
    1. The Director may order such exemptions only after a review of the hiring and personnel practices of the organization that is being acquired.
    2. When using this provision the Director shall notify the Commission of his/her intention to apply it and, after using it, shall file a written report explaining the reasons therefore.
    3. The Director may still require certain employees to meet the requirements of (a) 4 and (a) 5.
    4. An employee acquired under this provision, except for those acquired under subsection (c) 3 above, will be considered to possess the minimum qualifications of the job in which acquired.